

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

TIFFANY PONGRACZ,

Plaintiff,

vs.

**ABDIKARIM YUSUF-ELMI,
RYDER TRUCK RENTAL LT,
RYDER TRUCK RENTAL, INC.,
And GRASSHOPPER TRANS, INC.**

Defendants.

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Case No. _____

Civil Action

DEFENDANTS' NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. Section 1446

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA:**

Defendants Abdikarim Yusuf-Elmi ("Yusuf-Elmi"), Ryder Truck Rental LT ("Ryder LT"), Ryder Truck Rental, Inc. ("Ryder, Inc."), and Grasshopper Trans, Inc. ("Grasshopper"), (collectively "Defendants") by and through their undersigned attorney, hereby notices the removal of this action from the Court of Common Pleas of Lehigh County to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1332, 28 U.S.C. § 1441 and 28 U.S.C. § 1446, and as grounds therefore shows as follows:

I. TIMELINESS OF REMOVAL

1. Plaintiff Tiffany Pongracz ("Plaintiff") filed the Complaint in this action in the Court of Common Pleas of Lehigh County, Civil Division, No. 2021-C-1455, on June 17, 2021.

A true and correct copy of the Complaint is attached hereto as **Exhibit A**.

2. Defendants Ryder, LT, Ryder, Inc. and Grasshopper first received notice of Plaintiff's Complaint on June 22, 2021, when Plaintiff's counsel forwarded a copy of the

Complaint via certified mail. A true and correct copy of the Affidavits of Service upon Defendants Ryder, LT, Ryder, Inc. and Grasshopper are attached hereto collectively as **Exhibit B.**

3. Defendants Yusuf-Elmi first received notice of Plaintiff's Complaint on June 24, 2021, when Plaintiff's counsel forwarded a copy of the Complaint via certified mail. A true and correct copy of the Affidavit of Service upon Defendant Yusuf-Elmi attached hereto as **Exhibit C.**

4. In accordance with 28 U.S.C. § 1446(b)(2)(B), this Notice of Removal has been filed within thirty days of service upon Defendant Yusuf-Elmi. See Delalla v. Hanover Ins., 660 F.3d 180, 182 (3d Cir. 2011).

5. Therefore, this Notice of Removal has been timely filed.

II. VENUE

5. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Eastern District of Pennsylvania is the proper venue for removal because the Court of Common Pleas, Lehigh County, Pennsylvania is located within the Eastern District of Pennsylvania.

III. BASIS FOR REMOVAL

A. Diversity Jurisdiction

6. This Court also has diversity jurisdiction over this action because, on the date that the Complaint was filed, and as of the date this Notice is filed, there exists complete diversity of citizenship between Plaintiff and all Defendants and the amount in controversy exceeds \$75,000, exclusive of interest and costs. See 28 U.S.C. § 1332(a).

1. Diversity of Citizenship exists amongst Plaintiff and all Defendants

7. According to the Complaint, Plaintiff is a citizen of the Commonwealth of Pennsylvania, residing in Allentown, Pennsylvania. **Exhibit A** at ¶1.

8. Defendant Yusuf-Elmi is an individual that resides at 1024 Maple Street, Fort Morgan, Colorado 80701. Thus, for the purposes of diversity, Yusuf-Elmi is a citizen of Colorado.

9. Defendant Ryder, LT is a Delaware business trust with a principal place of business in Florida. Thus, for purposes of diversity, Ryder, LT is a citizen of the state of Delaware and Florida. See 28 U.S.C. § 1332(c)(1) (a corporation shall be deemed to be a citizen of any State in which it is incorporated and of the State where it has its principal place of business).

10. Defendant Ryder, Inc. is a corporation incorporated in Florida and has its principal place of business in Florida. Thus, for purposes of diversity, Ryder, Inc. is a citizen of Florida. See 28 U.S.C. § 1332(c)(1) (a corporation shall be deemed to be a citizen of any State in which it is incorporated and of the State where it has its principal place of business).

11. Defendant Grasshopper is a corporation incorporated in Illinois and has its principal place of business in Illinois. Thus, for purposes of diversity, Ryder, Inc. is a citizen of Illinois. See 28 U.S.C. § 1332(c)(1) (a corporation shall be deemed to be a citizen of any State in which it is incorporated and of the State where it has its principal place of business).

12. Therefore, complete diversity exists for purposes of jurisdiction conferred by 28 U.S.C. § 1332(a).

2. Amount in Controversy exceeds \$75,0000

13. The Complaint avers claims of negligence and personal injury against Defendants. **Exhibit A.**

14. The value of the matter in controversy, as appearing from the allegations contained in Plaintiff's Complaint, will exceed the amount of \$75,000.00.

B. All Other Removal Requirements Will Be Met

15. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders received Defendants in the State Court Action are annexed hereto as **Exhibit A, B and C**.

16. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly filed with the Court of Common Pleas of Lehigh County, Pennsylvania and a copy of same served upon Plaintiff's counsel. A true and correct copy of the proposed Notice is attached hereto as **Exhibit D**.

17. By filing this notice, Defendants do not waive their rights to object to service of process, the sufficiency of process, venue, or jurisdiction, and specifically reserve the right to assert any defenses and/or objections to which they may be entitled.

18. Defendants hereby reserve the right to amend or supplement this Notice of Removal.

WHEREFORE, notice is hereby given that this action is removed from the Court of Common Pleas of Lehigh County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

MARGOLIS EDLESTEIN



By: _____
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*Attorney for Defendants,
Abdikarim Yusuf-Elmi, Ryder Truck
Rental LT, Ryder Truck Rental, Inc.,
and Grasshopper Trans, Inc.*

CERTIFICATE OF SERVICE

I certify that on the 23rd day of June, 2021, a true and correct copy of the foregoing Defendants' Notice of Removal, was served by U.S. Mail, postage prepaid, on the attorney for Plaintiff at the following address:

Michael J. McKarski, Esquire
2851 Baglyos Circle
Bethlehem, PA 18020
mmckarski@cohenfeeley.com

MARGOLIS EDLESTEIN



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*Attorney for Defendants,
Abdikarim Yusuf-Elmi, Ryder Truck
Rental LT, Ryder Truck Rental, Inc.,
and Grasshopper Trans, Inc.*

Date: July 23, 2021
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